Civil Misc Writ Petition No. 2414 (S/S) Of 2001
(Old No. 19899 of 2000)

Sri Ram S/o Mahabir ---------
Petitioner

Versus

State of U.P. through
Consolidation Secretary, U.P.Lucknow
And two others. ---------
Respondents.

……..

Hon'ble P.C. Verma,J.

The petitioner was appointed has Consolidation Lekhpal for 89 days on 08.03.1995. After completion of 89 days, the services of the petitioner came to an end. The petitioner was appointed afresh on 06.06.1995 again for 89 days and after completion of the said period his services came to an end. He was again appointed for 89 days on 24.9.1995 and after the completion of 89 days, his services again came to an end. He was again appointed on the said post on 25.12.1995 and after completion of 89 days his services again came to an end. He was again appointed for 89 days on 25.3.1996 and after completion of the said 89 days his services again came to an end and lastly he was appointed for 89 days on 21.6.1996 for 89 days and again after completion of the said 89 days his services came to an end.

The petitioner filed writ petition bearing No. 31237 of 1996, which was decided on 19.8.1999 with the direction to the petitioner to move fresh representation. The petitioner moved fresh representation. The respondents have considered and rejected the said representation of the petitioner. By means of this writ petition, the petitioner has challenged the rejection order dated 11.02.2000.

The challenge of the learned counsel for the petitioner is that the petitioner was ad-hoc appointee and could not be replaced by another ad-hoc appointee. The second ground of the challenge is that the juniors to the petitioner have been regularized.

These grounds have not been considered by the respondents at the time of deciding the representation.

From the facts noticed above, it is clear that all the appointments of the petitioner were a tenure appointment. Therefore, it is misconceived to say that there was termination order. The petitioner was not a continuously ad-hoc employee who could claim regularization under the Regularisation Rules.

I have perused the impugned order of rejection of representation dated 11.02.2000. The order of rejection has been passed on the ground that the appointment of the petitioner was tenure appointment with the condition that he will have no right or claim to the post for continuance.

The argument of the learned counsel for the petitioner that the juniors have been retained while the petitioner's service has not been regularized has no force because it has not been stated anywhere that persons named in the writ petition were also appointed for a fixed period of 89 days. There were similar break in their service also.

The second ground of challenge is also misconceived, as the petitioner cannot be termed as ad-hoc appointee. His appointment was as tenure appointment for a definite period. He has not served continuously upto the last date of his service. Therefore, he cannot claim regularization under the regularization rules.

For the reasons recorded above, the petition lacks merit and is hereby dismissed. No order as to costs.

21.08.2003

P.Singh

Hon'ble P.C.Verma,.J.